

**ASSEMBLY BILL**

**No. 2113**

---

**Introduced by Assembly Member Donnelly**

February 20, 2014

---

An act to amend Section 19577 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as introduced, Donnelly. Horse racing: samples.

Existing law, the Horse Racing Law, generally regulates horse racing and vests the administration and enforcement of its provisions in the California Horse Racing Board. Existing law requires a blood or urine test sample that is required by the board to be taken from a horse to be divided or taken in duplicate if there is sufficient sample, and requires the board to adopt regulations to ensure the security of obtaining and testing of all samples.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 19577 of the Business and Professions
- 2     Code is amended to read:
- 3     19577. (a) (1) ~~Any~~A blood or urine test sample required by
- 4     the board to be taken from a horse that is entered in ~~any~~ a race
- 5     shall be divided or taken in ~~duplicate~~, *duplicate* if there is sufficient
- 6     sample available after the initial test sample has been taken. The

1 initial test sample shall be referred to as the official test sample  
2 and the secondary sample shall be referred to as the split sample.  
3 All samples immediately become and remain the property of the  
4 board. The board shall adopt regulations to ensure the security of  
5 obtaining and testing of all samples.

6 (2) Paragraph (1) does not apply to total carbon dioxide testing.  
7 The board shall adopt emergency regulations in accordance with  
8 the Administrative Procedure Act (Chapter 3.5 (commencing with  
9 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
10 Code) to establish policies, guidelines, and procedures that include  
11 a split sample process related to total carbon dioxide testing. These  
12 regulations shall be deemed to be an emergency and necessary for  
13 the immediate preservation of the public peace, health and safety,  
14 or general welfare. The emergency regulations shall be submitted  
15 to the Office of Administrative Law for filing with the Secretary  
16 of State and publication in the California Code of Regulations,  
17 and shall be replaced by final, permanent regulations within 120  
18 days of their adoption.

19 (b) If the official test sample is found to contain a prohibited  
20 drug substance, the executive director, after consulting ~~with~~ and  
21 agreeing with the equine medical director that the official test  
22 sample contains a prohibited substance, shall confidentially inform  
23 the owner and trainer of those results. The owner or the trainer of  
24 the horse, upon being so informed, may request that the split  
25 sample be tested by an independent laboratory selected from a list  
26 of laboratories provided ~~by~~ and approved by the board. The owner  
27 or trainer of the horse shall pay the cost of testing the split sample.

28 (c) If the split sample test results fail to confirm the finding of  
29 the prohibited drug substance found in the official test sample, a  
30 presumption affecting the burden of producing evidence pursuant  
31 to Section 603 of the Evidence Code of no evidentiary prohibited  
32 drug substance in the animal shall exist for purposes of this chapter.

33 (d) The executive director shall report to the board a finding of  
34 a prohibited drug substance in an official test sample within 24  
35 hours of the confirmation of that prohibited drug substance in the  
36 split sample by the independent laboratory, or within 24 hours of  
37 waiver of split sample testing by the owner or trainer. ~~Any A~~  
38 recommendation to the board by the executive director to dismiss  
39 the matter shall be by mutual agreement with the equine medical

1 director. The authority for the disposition of the matter shall be  
2 the responsibility of the board.

3 (e) The executive director shall maintain responsibility for all  
4 test samples until the executive director refers the matter to the  
5 board. Notwithstanding any other ~~provision of~~ law, and except as  
6 provided in subdivision (a), the results of the tests from the official  
7 testing laboratory, the Kenneth L. Maddy Equine Analytical  
8 Chemistry Laboratory and the independent laboratory shall be  
9 confidential until or unless the board files an official complaint.

10 (f) If the owner or trainer does not request that the split sample  
11 be tested within the time limits set by the board, the owner and  
12 trainer waive all rights to that sample and the board assumes all  
13 jurisdiction over the split sample.

14 (g) The board shall contract with the Regents of the University  
15 of California to be the primary drug testing laboratory performing  
16 the equine drug testing required by this section.